

church church hittle + antrim
ATTORNEYS AT LAW

November 15, 2019

City of Franklin, Indiana
Attn: Lynn Gray, City Attorney
70 East Monroe Street,
Franklin, IN 46131

Re: Proposed change of zoning affecting certain real estate

Dear Ms. Gray:

Our law firm, Church Church Hittle + Antrim, represents owner and developer Windstar Homes LLC. We write today out of a concern for the implications of certain proposed and pending actions that have come to our attention which appear to be clearly aimed at real estate which is owned by Windstar Homes LLC and which has recently undergone a platting process pursuant to the prevailing ordinance. As we understand what is now taking place, the City of Franklin has proposed a change of zoning for from RSN (Residential: Suburban Neighborhood) to RS-1 (Residential: Suburban One) for 166.75 acres just west of the Windstar neighborhood. This property received primary plat approval earlier this year for a residential subdivision named "The Bluffs At Youngs Creek". We believe the rezoning of the property has the potential to alter the development of this subdivision in material ways. It is our view that to the extent these proposed actions are intended to selectively limit, restrict or prohibit development activity on the real estate in question consistent with the RSN standards applicable as of now, or in the future, that such actions may constitute an interference with our vested property rights and may constitute a denial of the equal protection of the law to which we are entitled. In compliance with and reliance on your RSN zoning ordinance, Windstar Homes LLC has invested significant funds in engineering and other entitlement costs, in order to facilitate the development and improvement of his real estate. Windstar Homes LLC has made every reasonable effort to cooperate with the City in obtaining the primary plat approval and it is our intent to rely on the RSN development standards as we proceed with construction and thereafter.

As prospective developers of the subject property, it is our intent to be cooperative with the City and to continue to be responsible to the Franklin community. However, we will not neglect to protect our vested property rights and we trust that the City does not intend to interfere with them in violation of the Constitution of the United States and the Constitution of the State of Indiana now or in the future. The purpose of this letter is to memorialize our position in your records so that there is no question that the City of Franklin is on notice of our position. Should the City proceed to enact the new "spot zoning" RS-1 ordinance, it is our view that it has no application now or ever to Mr. Alt's property to the extent that the new ordinance conflicts with our vested property rights.

Very truly yours,


Douglas D. Church
Mark Alt, Manager, Windstar Homes LLC

Cc: Steve Barnett, Mayor
Franklin City Council
Franklin Plan Commission
Joanna Myers, Planning Director